

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT CORTEZ,) No. C 06-03827 EJD (PR)
Plaintiff,) ORDER OF DISMISSAL
vs.)
M.S. EVANS, et al.,)
Defendant(s).)

Plaintiff, a California prisoner, filed a pro se civil rights action under 42 U.S.C. § 1983 against various Salinas Valley State Prison employees. The Court granted Defendants' motion for summary judgment and motion to dismiss. (Docket No. 50.) Plaintiff appealed the district court's granting of summary judgment. The Ninth Circuit Court of Appeals vacated the summary judgment order only on Plaintiff's claim under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), and remanded to the district court to consider whether the piercing regulation was the least-restrictive means of furthering a compelling governmental interest. (Docket Nos. 58 & 59.) The Court set a briefing schedule for the matter.

On January 11, 2013, the Court granted Defendants' motion for an extension of time to file a dispositive motion. (Docket No. 69.) A stamped copy of the order

United States District Court

For the Northern District of California

1 mailed to Plaintiff was returned as undeliverable on February 13, 2013, indicating
2 that Plaintiff was paroled. (Docket No. 77.) As of the date of this order, Plaintiff
3 has not filed a notice of change of address or submitted any further pleadings in this
4 case.

5 Pursuant to Northern District Local Rule 3-11 a party proceeding pro se must
6 promptly file a notice of change of address while an action is pending. See L.R. 3-
7 11(a). The Court may, without prejudice, dismiss a complaint when: (1) mail
8 directed to the pro se party by the Court has been returned to the Court as not
9 deliverable, and (2) the Court fails to receive within sixty days of this return a
10 written communication from the pro se party indicating a current address. See L.R.
11 3-11(b).

12 More than sixty days have passed since the mail addressed to Plaintiff was
13 returned as undeliverable. The Court has not received a notice from Plaintiff of a
14 new address. Accordingly, the instant civil rights action is DISMISSED without
15 prejudice pursuant to Rule 3-11 of the Northern District Local Rules.

16 The Clerk shall terminate any pending motions.

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18 DATED: 4/22/2013


19 EDWARD J. DAVILA
20 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBERT CORTEZ,

Case Number: CV06-03827 EJD

Plaintiff,

CERTIFICATE OF SERVICE

v.

M.S. EVANS, et al.,

Defendants.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 4/23/2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Roberto Cortez P-08468
Salinas Valley State Prison
P. O. Box 1050
Soledad, Ca 93960-1050

Dated: 4/23/2013

Richard W. Wiking, Clerk
/s/By: Elizabeth Garcia, Deputy Clerk